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Letter dated 31 May 2005 from the Permanent Representative of Mongolia to the United Nations addressed to the Chairman of the Committee

I have the honour to transmit herewith the report of the Government of Mongolia on the implementation of Security Council resolution 1540 (2004) in accordance with paragraph 4 of the resolution (see annex).

(*Signed*) Baatar **Choisuren**
Ambassador
Permanent Representative

05-37851 (E) 300605

Annex to the letter dated 31 May 2005 from the Permanent Representative of Mongolia to the United Nations addressed to the Chairman of the Committee

National report of the Government of Mongolia pursuant to Security Council resolution 1540 (2004)

Introduction

Mongolia has been consistent in its policies against proliferation of weapons of mass destruction. Mongolia believes that all states, big and small, are called upon to contribute to the strengthening of international peace and security, promoting general and complete disarmament and elimination of weapons of mass destruction. Mongolia supports the efforts of the international community aimed at reducing and removing the threats to international peace and security through taking preventive measures, enhancing the relevant multilateral treaties, conducting constructive dialogue and promoting friendly relations and cooperation among nations. Mongolia continues to fully implement its obligations under the relevant multilateral agreements, such as the Treaty on the Non-Proliferation of Nuclear Weapons, the Biological and Toxic Weapons Convention, the Chemical Weapons Convention, the Comprehensive Nuclear Test-Ban-Treaty, etc. In particular, it is committed to the objective of eliminating the risk that non-State actors may acquire, develop, traffic in or use nuclear, chemical and biological weapons and their means of delivery. It has also undertaken necessary control measures aimed to prevent illicit trafficking in weapons of mass destruction, including the adoption of legislative measures and enforcement of appropriate sanctions for the violation of such measures.

Furthermore, as a strong advocate of nuclear-weapon-free zones, Mongolia declared its territory a nuclear-weapon-free zone in 1992 and is now working to further institutionalize its international nuclear-weapon-free status.

Mongolia has welcomed the UNSC resolution 1540 (2004) and is committed to its implementation. The Government of Mongolia, therefore, wishes to provide the following information.

Comments in relation to the specific issues raised by UNSC resolution 1540 (2004)

Operative paragraph 1

Decides that all States shall refrain from providing any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery;

Mongolia does not provide any form of support to non-State actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and

their means of delivery. Such support would conflict with Mongolia's national legislation, its international obligations, and the foreign policy it pursues on the international arena.

Mongolia does not possess facilities for manufacturing or producing weapons and ammunition. It has never developed, produced, acquired, possessed or stockpiled, or otherwise had control over nuclear, chemical or biological weapons and their means of delivery.

Operative paragraph 2

Decides also that all States, in accordance with their national procedures, shall adopt and enforce appropriate effective laws which prohibit any non-State actor to manufacture, acquire, possess, develop, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery, in particular for terrorist purposes, as well as attempts to engage in any of the foregoing activities, participate in them as an accomplice, assist or finance them;

These obligations are covered by the following legislative acts:

1. Law on Protection against Toxic Chemicals (1995) and the amendment thereto of 8 April 2000;
2. Law on Mongolia's nuclear-weapon-free-status (2000);
3. The Criminal Code of Mongolia (2002);
4. Law on Combating Terrorism (2004);

- After declaring its territory a nuclear-weapon-free zone in October 1992 at the UN General Assembly, Mongolia proceeded to institutionalizing its nuclear-weapon-free status at the national level by adopting in February 2000 the Law of Mongolia on its nuclear-weapon-free-status. The Law forbids any individual, legal person, or any foreign State to: a) "develop, manufacture or otherwise acquire, possess or have control over nuclear weapons" (Article 4.1.1); b) "station or transport nuclear weapons by any means" (Article 4.1.2); c) "test or use nuclear weapons" (Article 4.1.3); d) "dump or dispose nuclear-weapons-grade radioactive material or nuclear waste" (Article 4.1.4), and e) "transport through the territory of Mongolia nuclear weapons, parts or components thereof, as well as nuclear waste or any other nuclear material designed or produced for weapons purposes" (Article 4.2). Furthermore, "the competent authority of Mongolia shall have the right to gather information, halt, detain and search any suspected aircraft, train, vehicle, individual or group of persons" (Article 6.2).

- The issue of weapons of mass destruction is also regulated by the Criminal Code of Mongolia, under which "use of the weapons of mass destruction prohibited by an international treaty to which Mongolia is a state party shall be punishable by imprisonment for a term of 15-20 years" (Article 299.2, Chapter XI), whereas "acquisition, production or proliferation of chemical, biological, and other weapons of mass destruction prohibited by the international treaties to which Mongolia is a state party shall be punishable by imprisonment for a term of 5-8 years" (Article 300.1, Chapter XI).

- Shortly after Mongolia's accession in 1995 to the Chemical Weapons Convention, Mongolian Parliament, in accordance with Article VII of the Convention, adopted the Law on Protection against Toxic Chemicals (1995). The Law prohibits producing, stockpiling, using or transferring toxic chemicals to be used as chemical weapons" (Article 14.3). A person who has violated this provision shall be liable to a fine of 25,000-50,000 Tugriks, whereas an economic entity or an organization that has committed the same felony shall be liable to a fine of 150,000-250,000 Tugriks (Article 17.1.5). It is also punishable to transport and transit across the state borders toxic chemicals to be used as chemical weapons" (Articles 15.3, 17.2).

- Under the Law on Combating Terrorism of 2004, preventive action against terrorism shall be materialized in many forms, including in the form of preventing the use of firearms, explosives, radioactive material, chemical and bacteriological materials and other toxic substances in terrorist acts.

Operative paragraph 3

Decides also that all States shall take and enforce effective measures to establish domestic controls to prevent the proliferation of nuclear, chemical, or biological weapons and their means of delivery, including by establishing appropriate controls over related materials and to this end shall:

(a) Develop and maintain appropriate effective measures to account for and
Secure such items in production, use, storage or transport; (b) Develop and maintain appropriate effective physical protection measures;

Refer to the above legislative acts. Mongolia has never developed, produced, acquired, possessed or stockpiled nuclear, chemical or biological weapons and their means of delivery.

(c) Develop and maintain appropriate effective border controls and law enforcement efforts to detect, deter, prevent and combat, including through international cooperation when necessary, the illicit trafficking and brokering in such items in accordance with their national legal authorities and legislation and consistent with international law;
(d) Establish, develop, review and maintain appropriate effective national export and trans-shipment controls over such items, including appropriate laws and regulations to control export, transit, trans-shipment and re-export and controls on providing funds and services related to such export and trans-shipment such as financing, and transporting that would contribute to proliferation, as well as establishing end-user controls; and establishing and enforcing appropriate criminal or civil penalties for violations of such export control laws and regulations;

Mongolia endeavors to establish a system of strict control over the import, export and internal possession of weapons. The following acts regulate, along with legislative acts set out in paragraph 2, efforts aimed at detecting, preventing and combatting the illicit trafficking and brokering in weapons (without, however, specifically adddressing the issue of WMD):

- The List of Code-named Goods to be Transported across the State Borders Subject to License set out in Ordinance #219 of the Government on Modifications to the List and Procedure stipulates

licensing of the following goods: enriched uranium (permission is given by the State Professional Control Office); explosives (the Ministry of Industry and Trade), toxic chemicals (the Ministry of Environment); firearms, weapons and other fighting equipment, and their parts (the Ministry of Industry and Trade).

- Resolution #5 of the State Great Hural (Mongolian Parliament) (1998) incorporates "arms, weapons and military equipment and their Parts" into the "list of goods to be prohibited or restricted when transported through the state borders".

- Decree #88 of the Minister of Defense of Mongolia (2004). In compliance with this decree, a National Inter-Ministerial Task Force was set up to monitor and enforce implementation of the Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on Their Destruction.

Administrative orders and other regulations (apart from the legislative acts mentioned in paragraph 2) with regard to toxic chemicals:

- Ordinance on national classification of toxic chemicals (Adopted by joint Ordinance 83\a\60 of Minister of Nature and Environment and Minister for Health of 23.06.1998);
- Procedure for obtaining permission for the production, export, import, trade, and use of toxic chemicals (Joint Ordinance 86\a\120 of Minister of Nature and Environment, and Minister of Agriculture, 1998);
- Procedure for storing, protecting, transporting, disposing toxic chemicals (Adopted by Ordinance 84 of Minister of Nature and Environment, 1998);
- List of banned and restricted toxic chemicals (Adopted by Ordinance 75 of Minister of Nature and Environment of 14.05.1997);
- Measures to ensure chemical safety in Mongolia (Ordinance 29 of Government of Mongolia, 2000). According to these regulations a customs agency and customs health control service shall control the transportation of toxic chemicals across the state borders. Citizens, economic entities, organizations using toxic and mildly toxic chemicals must apply for a permit and shall be registered by administrative units' governors. Citizens, economic entities and organizations using highly toxic chemicals must apply for a permit and shall be registered by the Ministry of Nature and Environment.

While maintaining the appropriate border control, Mongolia has been hampered by an apparent shortage of personnel, training and equipment. Consequently, it needs assistance, inter alia, in the following areas:

- Training of national personnel in areas of immigration control, customs, taxation and financial supervision;
- The setting up of a protected integrated database and information system within border control, intelligence, police, consular and civil registration agencies.
- Provision of up-to-date, high sensitive, portable detection instruments.

Operative paragraph 8

Calls upon all States:

(a) To promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties to which they are parties, whose aim is to prevent the proliferation of nuclear, biological or chemical weapons;

Mongolia fully complies with its obligations under the following international treaties and conventions pertaining nuclear, chemical and biological weapons, and advocates attainment of their universality and strengthened effectiveness.

- Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (since 1963).
- Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases, and of Bacteriological Methods of Warfare (since 1968).
- Treaty on the Non-Proliferation of Nuclear Weapons (since 1969).
- Treaty on the Prohibition of the Emplacement of Nuclear Weapons and other Weapons of Mass Destruction on the Sea-bed and the Ocean Floor and in the Subsoil thereof (since 1971).
- Convention on the Prohibition of the Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction (since 1972).

Mongolia fully supports the elaboration of an additional protocol to the Convention that will ensure effective legally binding verification of compliance with the Convention.

- Convention on the Physical Protection of Nuclear Material (since 1986).
- Convention on the Prohibition of the Development, Production, Stockpiling and Use of Chemical Weapons and on their Destruction (since 1995).

A National Inter-Ministerial Task Force was set up to monitor and enforce implementation of the Convention. Refer to paragraphs 2 and 3 for the legislation and regulations adopted in the follow-up to Mongolia's accession to the CWC.

- Comprehensive Nuclear Test-Ban Treaty (since 1997).

Mongolia hosts the following stations within the International Monitoring System Network established under the Treaty: Primary Seismic Station PS25, Radionuclide Station RN 45 and Infrasound Station IS34. Their installation was envisaged in Appendix to the Agreement between Mongolia and the Preparatory Commission for the Comprehensive Nuclear-Test Ban Treaty Organization on the Conduct of Activities, Including Post-certification Activities, relating to International Monitoring Facilities for the CTBT of 2000.

(b) To adopt national rules and regulations, where it has not yet been done, to ensure compliance with their commitments under the key multilateral nonproliferation treaties;

Refer to paragraphs 2 and 3 for the relevant legislation and regulations.

(c) To renew and fulfill their commitment to multilateral cooperation, in particular within the framework of the International Atomic Energy Agency, the Organization for the Prohibition of Chemical Weapons and the Biological and Toxin Weapons Convention, as important means of pursuing and achieving their common objectives in the area of non-proliferation and of promoting international cooperation for peaceful purposes;

Mongolia has been a member of the IAEA since 1973 and is a staunch supporter and advocate of the IAEA's activities in promoting global nuclear safety regime through Safeguards Agreements and Additional Protocols thereto. Mongolia's Safeguards Agreement with the IAEA entered into force on 5 September 1972. Mongolia signed the Additional Protocol to the Agreement in December 2001 and ratified it in April 2003.

d) *Develop appropriate ways to work with and inform industry and the public regarding their obligations under such laws.*

All relevant laws are made public through the "State Information", publication issued by the Mongolian Parliament.

Operative paragraph 9

Calls upon all States to promote dialogue and cooperation on nonproliferation so as to address the threat posed by proliferation of nuclear, chemical, or biological weapons, and their means of delivery;

Mongolia remains committed towards the elimination of all weapons of mass destruction and continues to participate in international endeavors aimed at opposing and countering the proliferation of such weapons and their means of delivery.

Operative paragraph 10

Cooperative action to prevent illicit trafficking in nuclear, chemical or biological weapons, their means of delivery, and related materials.

Mongolia cooperates closely with its two immediate neighbors in the area of border and customs control. Cooperation with the People's Republic of China to this effect is developed under the Agreement between the Governments of Mongolia and the People's Republic of China on customs cooperation and mutual assistance of 7 September 1993. Mongolia's collaboration with Russia in the field of border control is regulated by the Agreement between the governments of Mongolia and the Russian Federation on customs cooperation of 20 January 1993. Both of these agreements provide a framework for comprehensive cross-border cooperation.